

SCPD POLICY AND LAW COMMITTEE MEETING MINUTES
November 27, 2018
GSS Enterprise Park/Blue Hen Conference Room, Dover

Members Present: Todd Webb, Vice-Chair/SCPD; Gene Aucott, Easter Seals; Deborah Bradl, DHSS/DVI; Linda Heller, HLADE; Jocelyn Langrehr; DOL/DVR; Jim Miller, Polio & Post Polio Support Group; Robert Overmiller, Council on Aging & Adults with Physical Disabilities; William Payne, Advocate; Lauren Reynolds, FCIL-DE; Laura Waterland, DLP; Despina Wilson, IRI, Inc. and Jo Singles, Support Staff.

CALL TO ORDER

Todd called the meeting to order at 1:19 pm. Everyone introduced themselves and explained what they did or their agencies did in serving people with disabilities.

ADDITIONS OR DELETIONS TO THE AGENDA

- Draft Plastic Straw Legislation

Laura made a motion to approve the agenda. Deb seconded the motion. The motion was carried with no one abstaining or opposing.

APPROVAL OF MINUTES

A motion was made by Laura to approve the minutes of October 11, 2018 as submitted. Deb seconded the motion and the minutes were approved as submitted with one person abstaining and no one opposing.

REVIEW OF DLP ANALYSIS OF DRAFT PLASTIC STRAW BILL

Laura reviewed the DLP Analysis by Attorney Brian Eng of the draft Plastic Straw Bill (handouts). After much discussion about the draft legislation and several initial motions, Laura made a new motion that the Committee does not object to the general idea of reducing pollution and that the last WHEREAS in the draft legislation (listed below) be moved from the preamble and be part of the legislation. It was noted that the preamble is not part of the actual law. Also that the draft legislation needs further study and that SCPD will work with the individuals who proposed it. Linda seconded the motion with no one abstaining or opposing.

WHEREAS, there are circumstances in which the use of plastic straws enhance safety and independence, including daily living, for people with physical impairments or recovering from injury, seniors, hospital use, dental needs, and others who may have difficulty lifting a drink, and should remain available for use upon request.

REVIEW OF REGULATIONS AND LEGISLATION

Laura reviewed the DLP Analysis (handout).

Proposed Regulations

1. Proposed DHSS/DMMA Revisions to DSSM on MAGI Methodology, 22 Del. Register of Regulations 361 (November 1, 2018) – Laura made a motion as follows: The SCPD should ask DHSS/DMMA to further revise proposed sections 16100 and 16500.5 regarding MAGI methodology. DHSS/DMMA should define the terms “qualifying child” and “qualifying relative.” Additionally, Section 16500.5 should include language clarifying that the exclusion at issue applies whether or not the tax dependent actually files a tax return. This section should also explain that when determining the total household income of a tax dependent *who is claimed by someone other than a parent* (not “who is not living with a parent”), the tax dependent’s MAGI-based income is always counted in determining his/her own eligibility. Lastly, the section should note any exceptions to the general rules. Bob seconded the motion and motion was carried with no one abstaining or opposed.
2. Proposed OCCL Proposed DELACARE Regulations Re: Early Care and Education and School-Age Centers, 22 Del. Register of Regulations 379 (November 1, 2018) – Laura made a motion that the SCPD endorse the proposed Delacare regulations for early care and education and school-age centers. SCPD will ask for further revisions that clarify that providing medication by injections is generally not discretionary, but an integral part of providing reasonable accommodations for children with disabilities. Revisions should also address other important issues, such as ensuring that policies on medication administration are clearly conveyed to parents and that licensees have plans to accommodate children with medication needs on field trips. Linda seconded the motion and the motion was carried with no one opposing or abstaining. There was discussion about ADA issues throughout the State. The State needs to do a comprehensive assessment throughout the state similar to other states.
3. Proposed OCCL DELACARE Regulations Re: Family and Large Family Child Care Homes, 22 Del. Register of Regulations 380 (November 1, 2018) - Laura made a motion that the SCPD endorse the amendments, but ask for revisions described in the above analysis. Deb seconded the motion and motion was carried with no one abstaining or opposing.
4. Proposed DDOE Regulation Approval of Educator Preparation Programs, 22 Del. Register of Regulations 333 (November 1, 2018) – Laura made a motion that the SCPD endorse this amendment, while seeking clarification on how 14 DE Admin. Code 1507 and 14 DE Admin. Code 290 will work together. If the Department intends for Section 290 to include an exhaustive list of the statutory requirements for an ARTC program, it may wish to in the 200-hour professional development requirement. Jocelyn seconded the motion and motion was carried with no one abstaining or opposing.
5. Proposed DDOE Regulation on reporting expulsions to DMV, 22 Del. Register of Regulations 337) – Laura made a motion that the SCPD endorse this amendment as the Council endorsed the bill. Jocelyn seconded the motion and motion was carried with no one

abstaining or opposing.

6. Proposed DDOE Regulation Related to Graduation Requirements and Diplomas, 22 Del. Register of Regulations 335 (November 1, 2018) – Laura made a motion that the SCPD endorse this proposed amendment, while seeking clarification on how SSPs will work until a new regulation is created. Jocelyn seconded the motion and motion was carried with no one abstaining or opposing. Linda asked if this would be retroactive for students and Laura stated that it was not and a new bill would have to be introduced to address this.
7. Emergency Department of Insurance Regulation related to Short Term Health Insurance Policies, 22 Del. Register of Regulations 326 (November 1, 2018) – Laura noted that this regulation came out of federal law and the Department of Insurance is required to issue this regulation. Linda made a motion that the SCPD endorse the emergency regulation and will suggest that the Department of Insurance engage in outreach activities to inform consumers of the disadvantages of these plans. Also, the following sentence will be added: “This regulation does not meet the spirit of the Affordable Care Act (ACA) and that the SCPD has concern about people with disabilities and pre-existing conditions and support the idea of quality affordable insurance and access for everyone.” Todd seconded the motion and motion was carried with one abstention and no one opposing.

Final Regulations

- The DIAA Regulations commented on last month relating to transfers were adopted. Council comments were noted, and DIAA indicated that it would consider the suggestions related to clarifying hardships based on disability might be considered as part of a larger overhaul of the regulations. The DIAA noted generally the positive statements that SCPD made regarding concussion protocols. No further action taken.
- DMMA regulations expanding the scope of credentialing for home health agencies was also finalized. The SCPD commented favorably on this regulation also. No further action taken.

ANNOUNCEMENTS

Jim spoke about his background and keen interest in participating in the Policy & Law Committee. His career was working with companies on policy and legal requirements. He hopes to make a contribution.

Linda spoke about the TBI Fund Policy discussed at the 11/27 SCPD meeting. Linda sent an email to Ann, Nick, Laura and the Brain Injury Committee about her concerns prior to the January SCPD meeting. This will be discussed further at the SCPD meeting in January.

Bill stated that he is resigning from the Policy & Law Committee, but will still be involved in other ways. His two main issues that he hopes will continue are accessible parking and renewal time for a State ID is 4 years, but 8 years for a Driver’s License. Linda thanked Bill for his involvement and input over the years. Todd stated that DMV is putting the State ID renewal time on their Legislative Agenda.

PUBLIC COMMENT

None

ADJOURNMENT

The meeting was adjourned at 3:03 pm.
Respectfully submitted,

Jo Singles
Support Staff
policy & law/min 11-27-18